

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONDA K. UNDERDAH,

Plaintiff,

File No. 1:09-CV-1140

v.

HON. ROBERT HOLMES BELL
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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**MEMORANDUM OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This action comes before the Court on Plaintiff Ronda K. Underdah's objections to the Magistrate Judge's January 12, 2011, Report and Recommendation ("R&R"). (Dkt. No. 13.) The R&R recommends that Plaintiff's implied request for remand be denied and that the final decision of the Commissioner of Social Security denying Plaintiff's claim for disability insurance benefits and supplemental security income benefits be affirmed. Plaintiff filed objections to the R&R on January 24, 2011. (Dkt. No. 14, Obj.)

This Court is required to make a *de novo* review upon the record of those portions of the R&R to which objection has been made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). "[A] general objection to a magistrate's report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and

contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995) (citing *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 508-09 (6th Cir. 1991)).

Plaintiff objects to the Magistrate Judge’s recommendation that her request for a remand for consideration of new evidence be denied. Plaintiff contends that it would be unfair not to consider new evidence, such as her note from Dr. Richard Roach, because the evidence reflects her condition and because her condition continues to worsen. The Magistrate Judge’s recommendation against remand is based on his findings that Plaintiff failed to meet her burden of demonstrating: (1) that the evidence is “material;” and (2) that there was “good cause” for her failure to present this evidence in the prior proceeding. Plaintiff’s objections do not address these findings, and do not suggest that these findings were erroneous.

Plaintiff also objects to the Magistrate Judge’s finding that her condition is not severe enough to warrant benefits. The Magistrate Judge did not make a finding regarding Plaintiff’s condition. He simply found that the Commissioner’s denial of benefits, which was based in large part on the ALJ’s credibility determination regarding Plaintiff’s numerous subjective complaints, was supported by more than substantial evidence. Plaintiff’s objections, which focus on her current condition and anticipated decline, do not suggest that the Magistrate Judge’s finding of substantial evidence was erroneous.

Upon de novo review, the Court agrees with the Magistrate Judge’s findings and recommendations. Accordingly,

IT IS HEREBY ORDERED that the January 12, 2011, R&R (Dkt. No. 13) is
APPROVED and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the final decision of the Commissioner of Social Security denying Plaintiff's claim for disability insurance benefits and supplemental security income benefits is **AFFIRMED**.

Dated: February 4, 2011

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE